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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,856

05/05/2005

Uwe Klippert

54590/DBP/MS21

7895

23363 7590 01/18/2007  
CHRISTIE, PARKER & HALE, LLP  
PO BOX 7068  
PASADENA, CA 91109-7068

EXAMINER

MOK, ALEX W

ART UNIT

PAPER NUMBER

2112

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/533,856	KLIPPERT, UWE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Alex W. Mok	2112	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 13-15 and 18 is/are rejected.
- 7) ☒ Claim(s) 10, 12, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/5/05, 7/8/05, 5/15/06</u>                                   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 31. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities: on page 8, line 26 and page 9, line 16, the term "end side(s)" is used for reference numbers 27 and 28, while the term "end faces" is used for these reference numbers elsewhere in the specification; on page 11, line 8, reference number "12" is used to designate the coil spring, while reference number "8" is used to designate this part elsewhere in the specification; on page 11, line 10, reference number "10" is used to designate the

bearing bush, while reference number "4" is used to designate this part elsewhere in the specification; on page 11, lines 14 and 20, reference number "2" is used to designate the axial field motor, while reference number "1" is used to designate this part elsewhere in the specification; and on page 11, line 33, reference number "7" is used to refer to the "drive element" while the same reference number is used to designate the cable winding roller elsewhere in the specification.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 11 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitations "the support element" and "the stator" in lines 1 and 2. There is insufficient antecedent basis for these limitations in the claim.

Claim 13 recites the limitation "the stator" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sesselmann et al. (PCT Publication No.: WO 120753 A1), and further in view of Miller et al. (US Patent No.: 4864176).

For claims 1 and 18, Sesselmann et al. discloses a drive for adjustment devices comprising a motor having a motor shaft (motor 5 and motor shaft 10, see figure 4), and a gear mechanism (see figure 1b) having a drive element (drive element 4, see figure 4). Sesselmann et al. differs from the claimed invention in that the drive device does not have radial forces introduced into a housing through axially extending locking regions.

Miller et al. teaches a stator support structure that comprises an end plate having radially extending spokes and tabs that are bent in the axial direction to make a radial web (see figure 11).

It would have been obvious to one of ordinary skill in the art to have radial forces with axially extending locking regions, since such a technique would make the drive device more efficient and versatile (see column 7, lines 46-50 of Miller et al.).

For claim 14, Sesselmann et al. teaches a motor shaft connected to a pinion designed as a spur wheel gear (shaft 10, pinion 26, see figure 1b).

7. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sesselmann et al. as applied to claim 1 above, and further in view of Miller et al. (US Patent No.: 4864176).

Miller et al. teaches a stator support structure as explained above for claim 1.

For claim 2, Miller et al. teaches radial extensions which interact with the housing which makes it inherent that these extensions are supported on the periphery of the structure, so it would have been obvious to have the radial webs be supported on the periphery of the motor, since these extensions are used to fix the structure within the housing (see column 5, lines 55-60).

For claim 3, Miller et al. teaches radial extensions which interact with the housing, so it would have been obvious to have radially aligned end ribs that engage with the housing, since these extensions are used to fix the structure within the housing (see column 5, lines 55-60).

For claim 4, it would have been obvious to have the radially aligned end ribs connect with the housing in the axial direction, since the end plates taught in the invention of Miller et al. have tabs that are bent in the axial direction, which inherently would connect with the housing of the motor in the axial direction.

For claim 5, it would be obvious to have the axially extending locking regions of the radial webs engage in the recesses of the housing, since the invention of Miller et al. has tabs that are axially bent and they connect with the housing, which makes it inherent that the housing would have recesses the tabs would engage in.

For claim 6, the end plates taught by Miller et al. have radial extensions that protrude from the center, so it would be obvious to have the radial webs be part of the "support element" and protruding radially from the base body (the center).

8. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sesselmann et al., further in view of Miller et al. as applied to claims 1, 3, 4, and 6 above, and further in view of Seidou (US Patent No.: 5479058).

The already modified device of Sesselmann et al. included all of the claimed elements except a bearing bush that is integrated in the base body of the support element as stated in claim 7, the bearing bush being a part of the base body of the support element as stated in claim 8, and the bearing bush being inserted in a central opening of the base body of the support element as stated in claim 9.

Seidou teaches a motor having bearings that are attached to the shaft, and are shown to be located at the center of the motor (bearings 34, shaft 36, see figure 2).

For claim 7, it would have been obvious to have the bearings (i.e., bearing bush) be integrated in the center of the motor (i.e., base body of the support element), since Seidou teaches that using such a technique would make the motor more compact design (column 1, lines 53+).

For claim 8, it would have been obvious to have the bearings (i.e., bearing bush) be a part of the center of the motor (i.e., base body of the support element), since Seidou teaches that using such a technique would make the motor have a more compact design.

For claim 9, it would have been obvious to place the bearing bush in the central opening of the support element, since Seidou illustrates the motor having a central opening, and given that the motor shaft is at the center and the bearing bush holds the motor shaft, it would be inherent to place the bearing bush in the center.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sesselmann et al. as applied to claim 1 above, and further in view of Niki et al. (Japanese Document No.: JP 2001069722 A).

For claim 15, it would have been obvious to have the gear wheels mesh with the pinion and connected coaxially to a second pinion of a second gear stage which meshes with a second gear wheel, since the motor taught by Niki et al. illustrates this limitation (figure 1).

#### ***Allowable Subject Matter***

10. Claims 10, 12, 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Furuse (Japanese Document No.: JP 2001359261 A), Lee et al. (US Patent No.: 5298820), Hori et al. (US Patent No.: 6162142).



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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex W. Mok whose telephone number is (571)272-9084. The examiner can normally be reached on 7:30-5:00 Eastern Time, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayprakash N. Gandhi can be reached on (571) 272-9820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alex W. Mok  
Examiner  
Art Unit 2112

A.M.

  
JAYPRAKASH GANDHI  
SUPERVISORY PATENT EXAMINER